

Application/Control Number: 09/893,770
Art Unit: 3728

Page 2

Declaration of Bryon P. Gehman

My name is Bryon P. Gehman and I have been employed as an examiner in the U.S. Patent and Trademark Office for more than 21 years of which 14 years have been as a Primary Examiner. I have worked in the receptacle field for nearly all of those 21 years. I am familiar with the art of containers, both as an employee of the Office and as a private citizen. I have personally owned, and still possess, the Coleman six-pack cooler (Lil' Oscar is the registered trademark of this cooler) since the mid 1980's, as employed in the rejections made in this application.

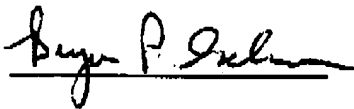
The personally owned Coleman six-pack cooler comprises a white molded plastic base portion having a planar lower surface, four substantially vertical side walls and an open planar top having a top peripheral planar surface and a blue, substantially planar molded plastic separable lid with a lower planar surface to engage with the top peripheral planar surface of the base portion to provide a seal between the base portion and the lid. While I purchased a blue lidded cooler, coolers of the same size that comprised a white molded plastic base portion and a green molded plastic separable lid, and coolers that comprised a white molded plastic base portion and a red molded plastic separable lid, were also on sale. All of the base portions were identical to the one I purchased, and the lids only differed in their color, the base portions and the lids all having engaging planar surfaces to provide a seal between a base portion with a

Application/Control Number: 09/893,770
Art Unit: 3728

Page 3

respective lid. Accordingly, the merchant selling these coolers and the Coleman organization, at some time, each retained a set of interchangeable portions for an insulated storage device, any one white molded plastic base portion being usable with any one of the blue, green or red lids. The examiner's sample of the blue lid cooler was shown to appellant's representative, Brian Dutton, at an interview held November 16, 2000 and remains in the examiner's possession.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001.



May 24, 2005

Bryon P. Gehman

Date of Execution

Primary Examiner

Art Unit 3728

Technical Center 3700

U.S. Patent and Trademark Office